

AMENDED IN ASSEMBLY APRIL 24, 2002

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2903

Introduced by Assembly Member Kehoe

February 25, 2002

An act to amend Section 7054 of the Education Code, relating to use of district property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2903, as amended, Kehoe. Use of district property: school and community colleges districts.

Existing law makes it a misdemeanor or felony, punishable as specified, to use school district or community college district funds, services, supplies, or equipment for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district. Existing law does not prohibit the use of these public resources to provide information to the public about the possible effects of any bond issue or other ballot measure if certain conditions are met, as specified.

This bill would, in addition, declare that the use of the above-referenced district resources for the distribution or posting of written materials prepared and paid for by an *employee* organization urging the support or defeat of any ballot measure or candidate, under specified conditions, does not fall within the above-referenced crime.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7054 of the Education Code is amended to read:

7054. (a) No school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district.

(b) Nothing in this section shall prohibit the use of any of the public resources described in subdivision (a) for any of the following:

(1) Providing information to the public about the possible effects of any bond issue or other ballot measure if the informational activities are otherwise authorized by the Constitution or laws of this state, and the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(2) Distributing or posting written materials prepared and paid for by an *employee* organization that urge the support or defeat of any ballot measure or candidate if the written materials make clear that the employee organization is the author, and the written materials are distributed or posted in the same manner that written materials of the employee organization are normally posted, including the use of employees' boxes, e-mail messages, bulletin boards, and other fixtures.

(c) A violation of this section shall be a misdemeanor or felony punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding one thousand dollars (\$1,000), or by both, or imprisonment in a state prison for 16 months, or two or three years.